

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**ST. CLAIR INTELLECTUAL PROPERTY  
CONSULTANTS, INC.,**

Plaintiff,

v.

**ACER, INC., ACER AMERICA  
CORPORATION, DELL INC., GATEWAY  
COMPANIES, INC., GATEWAY, INC., and  
LENOVO (UNITED STATES) INC.,**

Defendants.

Civil Action No. 09-354-JJF

**JURY TRIAL DEMANDED**

**ST. CLAIR INTELLECTUAL PROPERTY  
CONSULTANTS, INC.,**

Plaintiff,

v.

**APPLE INC., TOSHIBA CORPORATION,  
TOSHIBA AMERICA INFORMATION  
SYSTEMS, INC., and TOSHIBA AMERICA,  
INC.**

Defendants.

Civil Action No. 09-704-JJF

**JURY TRIAL DEMANDED**

**CONSOLIDATED CASES**

**PLAINTIFF/COUNTER-DEFENDANT ST. CLAIR'S ANSWER TO  
DEFENDANT/COUNTER-PLAINTIFF APPLE INC.'S COUNTERCLAIMS**

Plaintiff/Counter-Defendant St. Clair Intellectual Property Consultants, Inc. ("St. Clair"), for its Answer to Defendant/Counter-Plaintiff Apple Inc.'s ("Apple") Counterclaims states and alleges as follows:

St. Clair reasserts and incorporates by reference herein its allegations set forth in Paragraphs 1-62 of its First Complaint.

### **THE PARTIES**

68. St. Clair admits the allegations of Paragraph 68 of the Counterclaims.
69. St. Clair admits the allegations of Paragraph 69 of the Counterclaims.

### **JURISDICTION AND VENUE**

70. St. Clair admits the allegations of Paragraph 70 of the Counterclaims.
71. St. Clair admits the allegations of Paragraph 71 of the Counterclaims.

### **FIRST COUNTERCLAIM DECLARATORY JUDGMENT OF NON-INFRINGEMENT**

72. St. Clair herein incorporates the responses of Paragraphs 68-71.

73. St. Clair denies the allegations of Paragraph 73 of the Counterclaims.

74. St. Clair admits that Apple is seeking a declaration of non-infringement, but St. Clair denies the merits of such allegations and all remaining allegations of Paragraph 74 of the Counterclaims.

### **SECOND COUNTERCLAIM DECLARATORY JUDGMENT OF INVALIDITY**

75. St. Clair herein incorporates the responses of Paragraphs 68-74.

76. St. Clair denies the allegations of Paragraph 76 of the Counterclaims.

77. St. Clair admits that Apple is seeking a declaration of invalidity, but denies the merits of such allegations and all remaining allegations of Paragraph 77 of the Counterclaims.

### **PRAYER FOR RELIEF**

Plaintiff requests that:

- a. Apple's Counterclaims be dismissed with prejudice;
- b. Apple's prayer for attorneys' fees and costs be denied;

- c. Judgment be entered in favor of St. Clair that each of the '130, '163, '929, '175, '959, '617 and '025 Patents is valid and infringed; and
- d. The Court award St. Clair the relief sought in its Complaint.

BAYARD, P.A.

February 25, 2010

OF COUNSEL:

R. Terrance Rader  
Charles W. Bradley  
Glenn E. Forbis  
Justin S. Cohen  
RADER, FISHMAN & GRAUER, PLLC  
39533 Woodward Avenue, Suite 140  
Bloomfield Hills, MI 48304  
(248) 594-0600

/s/ Richard D. Kirk (rk0922)  
Richard D. Kirk (rk0922)  
Stephen B. Brauerman (sb4952)  
222 Delaware Avenue, Suite 900  
P.O. Box 25130  
Wilmington, DE 19899-5130  
rkirk@bayardlaw.com  
sbrauerman@bayardlaw.com  
(302) 655-5000

*Counsel for Plaintiff St. Clair Intellectual Property Consultants, Inc.*